

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39936 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- JAHANABAD District- Jehanabad

1. Mithilesh Das, Son of Late Ramanand Mochi @ Ramanand Prasad Mochi, Resident of Village- Ambedkarnagar, P.S.- Jehanabad, District- Jehanabad.
2. Manju Devi, Wife of Mithilesh Das, Resident of Village- Ambedkarnagar, P.S.- Jehanabad, District- Jehanabad.
3. Mritunjay Kumar, S/o Mithilesh Das, Resident of Village- Ambedkarnagar, P.S.- Jehanabad, District- Jehanabad.
4. Sweeti Kumari, Daughter of Mithilesh Das, Resident of Village- Ambedkarnagar, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arvind Prasad Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Jehanabad P.S. Case No. 219 of 2020 for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on account



of some quarrel all these petitioners entered into the house of the informant and petitioner no.1 (Mithilesh Das) brutally assaulted on the head of the informant by Iron rod. It is further alleged that petitioner no.2 (Manju Devi) assaulted by means of Iron rod and so far the petitioner nos. 3 and 4 are concerned, it is alleged that they also pelted brick and stones.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioners that there is general and omnibus allegation against all these petitioners and prior to the institution of the present case, the petitioner no.1 had instituted Jehanabad P.S. Case No. 218 of 2019 on 17.04.2020 itself and the present case is nothing but a counter blast to the earlier case. It is next submitted that the injuries, which are said to have been caused to the person of the informant and others, have been found to be simple in nature and in support of his submission, the petitioners have annexed the injury reports, as contained in Annexure-5 to the bail application. It is next submitted that all these petitioners have absolutely clean antecedent and some scuffle has taken place resulted into free fight between both the parties and they



all are neighbours and there is no chance of their absconding and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application of the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there are general and omnibus allegation against all these petitioners and the injuries have been found to be simple in nature, apart from the fact that the petitioners have absolutely clean antecedents, let the petitioners named above, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 219 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J)

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